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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,566	08/16/2006	Thorsten Meyer	3826 1128US	9883
29894 7590 02/20/2009 DREISS, FUHLENDORF, STEIMLE & BECKER POSTFACH 10 37 62 D-70032 STUTTGART, GERMANY			EXAMINER WILSON, BRIAN P	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 02/20/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,566	Applicant(s) MEYER ET AL.	
	Examiner Brian Wilson	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-32 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-32, 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8-16-2006</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Summary

1. This communication is in response to applicant's argument/amendment filed on 12-9-2008. Independent claims 36 and 37 have been newly added. Claims 18, 19, 33, and 34 have been cancelled. Claims 20-24, 27, 29-32, and 35 have been amended.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is being claimed. Claim language appears to claim two symbols, one being some type of line, and the other being a barrier/wall. For prosecution purposes two separate symbols are interpreted as being claimed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claim 20, 21, 23-32, and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimizu (U.S. Patent 7,366,595).

Regarding claim 36, Shimizu discloses a method for graphically processing an image met by (Fig. 28; 120), camera device met by (Fig. 27; 110), in a direction of travel of the vehicle met by (Fig. 27), presentation to a driver met by (Fig. 27; 104); comprising steps a) detecting an obstacle met by (Fig. 29, 150); b) determining position of obstacle relative to vehicle met by (Fig. 27; 111); c) determining position of obstacle relative to surroundings met by (Col. 37, lines 48-53; note, recognizes difference between two lines; Fig. 27; 103); d) determining position of obstacle in image provided by camera device met by (Col. 37, lines 48-53); e) processing the image met by (Col. 37, lines 48-53); f) displaying the processed image met by (Fig. 27; 104, 105, 111, 110); g) fading a first graphical object into displayed image illustrating an expected future course of travel met by (Fig. 29; 105; note, Applicants specification [0028] defines fading as solid or dashed lines); h) fading a second graphical object into the displayed image met by (Fig. 29, 141; note, this plane/symbol indicates the vehicle position just before contact with an obstacle, the plane/symbol also indicates to the driver that this would be final position of the vehicle if it proceeds on its current path, this being collision).

Regarding claim 20, Shimizu further discloses steering angle met by (Fig. 27; 115), fictitious camera position met by (Fig. 27; 104; note, vehicle bumper in bottom of screen; Refer to Fig. 7; 1 for a better picture).

Regarding claim 21, Shimizu further discloses symbol indicating an end of travel motion, is a limiting line met by (Fig. 29; 105; note, end of future travel line), limiting means symbolically presented on the course of travel, a barrier met by (Fig. 29; 115; note, plane is in

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the shape of a barrier).

Regarding claim 23, Shimizu further discloses the first graphical object is schematically indicated beyond the position of the obstacle met by (Fig. 29; 105).

Regarding claim 24, the claim is interpreted and rejected as claim 36.

Regarding claim 25, the claim is interpreted and rejected as claim 36. Note, the course of travel would be straight or bar-like if the vehicle was backing up in a straight line.

Regarding claim 26, the claim is interpreted and rejected as claim 36.

Regarding claim 27, the claim is interpreted and rejected as claim 36.

Regarding claim 28, the claim is interpreted and rejected as claim 36.

Regarding claim 29, the claim is interpreted and rejected as claim 36.

Regarding claim 30, Shimizu further discloses colored surface met by (Col. 4, lines 29-32).

Regarding claim 31, Shimizu further discloses the image of the camera device is colored in a region of the determined position of the obstacle met by (Col. 16, lines 4-11; note, color change of image is in the region of the obstacle)

Regarding claim 32, Shimizu further discloses a computer readable medium storing a program code met by (Fig. 28; 127, 128)

Regarding claim 35, the claim is interpreted and rejected as claim 20.

Regarding claim 37, the claim is interpreted and rejected as claim 36.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

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obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (U.S. Patent 7,366,595/ 8th Emb) in view of Shimizu (U.S. Patent 7,366,595/ 2nd Emb).

Regarding claim 22, Shimizu's 8th Emb discloses first graphical object met by (Fig. 29; 105). However, Shimizu's 8th Emb does not disclose the first graphical object *is imaged approximately at a level of the determined position of the obstacle in the image, but not for larger distances from the vehicle or the camera device.*

Shimizu's 2nd Emb teaches *is imaged approximately at a level of the determined position of the obstacle in the image* met by (Fig. 45; 305, 303, 340), *but not for larger distances from the vehicle or the camera device* met by (Fig. 45; 305; note, future course of travel does not proceed past obstacles). It is obvious to not show the future course of travel for large distances from the vehicle to prevent confusion.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Shimizu's 2nd Emb into Shimizu's 8th Emb because this provides an easy-to-understand display for the driver.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Wilson whose telephone number is (571)270-5884. The examiner can normally be reached on Monday-Thursday from 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BPW/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612